

FILED - KZ

November 17, 2022 11:33 AM

U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGANRobert Murray GALLUP III

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

ALL Both Capacities official & Personal

DEPUTY VITALE, LAWRENCE A. STELMA,

Kent County Sheriffs Department, Kent County Sheriffs Assn.,  
Grand Rapids, MI, et al.

SGT Bertrand Clarence Elliot, Walker Police Dept. et al.

SEE ATTACHED STATEMENT of CLAIM

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

1:22-cv-1076

Robert J. Jonker  
United States District Judge  
Sally J. Berens  
United States Magistrate JudgeCOMPLAINT

(Print Clearly)

## I. Previous Lawsuits

**CAUTION:** The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.  
\_\_\_\_\_
  2. Is the action still pending? Yes ☐ No ☐  
a. If your answer was no, state precisely how the action was resolved: \_\_\_\_\_  
\_\_\_\_\_
  3. Did you appeal the decision? Yes ☐ No ☐
  4. Is the appeal still pending? Yes ☐ No ☐  
a. If not pending, what was the decision on appeal? \_\_\_\_\_  
\_\_\_\_\_
  5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐  
a. If so, explain: \_\_\_\_\_  
\_\_\_\_\_

## II. Parties

## A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff ROBERT MURRAY GALLUP III

Place of Present Confinement KENT COUNTY CORRECTIONAL FACILITY

Address 703 BALL AVENUE

Place of Confinement During Events Described in Complaint SAME (K.C.C.F.)

## B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 DEPUTY VITALE

Position or Title SHERIFFS deputy, COUNTY OF KENT / TRANSPORT

Place of Employment KENT COUNTY SHERIFFS OFFICE

Address 701 BALL AVENUE

Official and/or personal capacity? BOTH

Name of Defendant #2 SGT BERTRAND CLARENCE ELLIOT

Position or Title SERGEANT WALKER POLICE Dept.

Place of Employment WALKER POLICE Dept.

Address N/A

Official and/or personal capacity? BOTH

Name of Defendant #3 KENT COUNTY SHERIFFS DEPARTMENT

Position or Title N/A

Place of Employment N/A

Address 701 BALL AVENUE, GRAND RAPIDS, MI, 49503

Official and/or personal capacity? BOTH

Name of Defendant #4 Kent County SHERIFFS ASSN.

Position or Title N/A

Place of Employment N/A

Address 701 BALL AVENUE NE, GRAND RAPIDS, MI, 49503

Official and/or personal capacity? BOTH

Name of Defendant #5 GRAND RAPIDS, MICHIGAN

Position or Title N/A

Place of Employment N/A

Address GRAND RAPIDS, MICHIGAN

Official and/or personal capacity? BOTH

**III. Statement of Claim**

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Do not include unrelated claims. Use as much space as you need. Attach extra sheets if necessary.

STATEMENT OF CLAIM  
IS ON LINED SHEET OF PAPER.

## IV. Relief

State briefly and precisely what you want the court to do for you. **\$ 50,000,000.00 each Statement of Claim. Equalling \$100,000,000.00 U.S currency**

**That Kent County Sheriff's Office change policy on Having Deputies attend medical transports and sit in ~~in~~ doing appointments to make BAD Health Decisions and instead have nurses attend d/so.**

**I want SGT. BERTRAND CLARENCE ELLIOT charged with ATTEMPTED MURDER; GREAT BODILY HARM LESS than MURDER for shooting me without me knowing He's a real OFFICER.**

## V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

☐ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

☒ I request that this case be assigned to a district judge.

10/23/2022  
Date

Robert Gallup III  
Signature of Plaintiff.

**NOTICE TO PLAINTIFF(S)**

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.



## STATEMENT of CLAIM

DEFENDANT: Bertrand Clarence Elliot, Tyler Glass, Dep. Tanner Day, Walker, Mi; Grand Rapids, Mi; Dep. Vitale of Kent County Correctional Facility, Lt. JEFF Pavlovic <sup>KCCF</sup> Shawn, Anthony Bailey, Kent County Sheriffs office, Kent County Sheriffs Department, Lawrence A. Stelma, SHERIFF DEPARTMENT, KENT; Vital Core Health Strategies, Kent County, Michigan; Unfortunately against the peace, integrity and dignity of myself Robert Murray Gallup III, These defendants chose to violate my 1<sup>st</sup> Amendment, 5<sup>th</sup> Amendment, 8<sup>th</sup> Amendment also my 14<sup>th</sup> Amendment Constitutional rights, while acting Under Color of State Law when they in supposed sufficient culpable state of mind elected to subject me to dilleberate indifferencing, cruel and unusual punishments, Post Traumatic Stress Disorder, intense physical damage, extreme depression, retaliation, personal punishment, personal injury, excruciating pain for extensive amounts of time, Night terrors, extreme mental anguish and physical anguish, loss of mobility of my arm, needing to recieve an additional surgery, Severe anxiety, loss of the use of my dominant arm, thoughts of self harm, Social Withdrawl, extreme fatigue, muscle tension, indigestion, I have been shot I never thought it would happen, delusional hallucinations, severe paranoia, disorganized catatonic behavior, failure to protect me before in custody also while in custody...

STATEMENT BELAM

On or about September 9<sup>th</sup>, 2022 about 1:00pm I Robert Gallup was on the north west side of Walker, MI at 988 Cedar Run Ct. (Zip 49534.) where I resided with two roommates. Around this time I had recently purchased a Kawasaki Motorcycle from my roommate Nicholas Schalk about 1 week prior. For some reason Nickolas Schalk didn't want me to park the motorcycle at the house me, him and his girlfriend Kathryn Lee Pajeski all rented. He advised me that I should rent a storage unit and put the motorcycle in it until I got the motorcycle registered with the Secretary of State. So, I rented the storage unit. Which is a place he took me to located near our house. I rented the storage unit as Nickolas Schalk advised and stored the motorcycle in the unit. We went to the storage unit August 27<sup>th</sup>-29<sup>th</sup>, 2022

On the day in question Sep. 9<sup>th</sup>, 2022 I was in my place of residence with the two previously named roommates and we were just hanging out, self medicating. I went out back on the porch to smoke a cigarette when Kathryn Lee shouted someone was at our house. Before I knew it I heard something or someone or some kind of havoc in the house, so I instinctively ran and when I turned around a man who I didn't know or who did not announce himself as a police officer was shooting at me, I was afraid for my life and continued to run away from whom I



SGT Elliot SHOT me without even warning me, he tried to kill me, He couldn't warn me,

now know to be SGT. Bertrand Clarence Elliot of Walker Police Dept. who continued to shoot at me and shot me with my back turned to him running & retreating from the intruder ransacking and invading our home, who was Det. Shawn Anthony Bailey, DEFENDANT BERTRAND CLARENCE ELLIOT shot me in my right arm (Elbow) I did not know these were police officers. They did not announce themselves to me or they did not have any apparel/uniforms stating they were police officers. This is the worst thing that I have ever experienced with police officers in my life, I can't believe I was shot and I didn't even hurt anyone. I was only running away from them because I didn't know if they were the real police or a group of guys impersonating police officers who often bully me from the next street over at Appletree Estates Trailer Park.

I was then escorted to the hospital for surgery then taken to the Kent County Correctional Facility on 9/11/2022 where the next claim takes place

Will start Statement of Claim on next page

## Statement of CLAIM

DEFENDANT: DEPUTY VITALE, Lt. JEFF PAVLOVIC,  
GRAND RAPIDS, MI, Kent County, County of Kent, MI,  
Kent County Sheriff's Dept, Kent County Sheriff's Office,  
Kent County Sheriff's Assn, Vital Core Health Strategies,  
Lawrence A. Stelma, Michelle Lajoie-Young,  
BRADLEY J. LYONS, ~~BRADLEY J. LYONS~~

Were all acting Under Color of State Law  
when they intentionally, knowingly, purposely,  
violated my 8<sup>th</sup>, 1<sup>st</sup>, 5<sup>th</sup>, 14<sup>th</sup> Amendment  
Constitutional Rights against my peace, sanity,  
dignity, integrity, health and overall well being  
when the above named DEFENDANTS chose to...

Subject me to personal abuse, injury, things that I'm to be protected against.

One day I was being transported on Sep/25<sup>th</sup>/2022  
to Spectrum Health to see Dr. Gable Moffett about  
the mortal wound I suffered from Sgt Bertrand Elliot,  
upon arriving to Spectrum Health/Butterworth Campus  
to receive some post-op surgery, check-up also to get  
my temporary hard cast changed to a FLEX-CAST  
while consulting with Dr. Moffett about having a  
FLEX-CAST put on me to provide my right wounded  
arm/Bullet wound the best chance to heal and to  
recover. When the Doctor (MOFFETT) advised that I  
was going to have to be put into a metal FLEX-CAST  
is when Deputy VITALE told me and the doctor that



I CANT HAVE THE FLEX-CAST and that I had to remain in only the hardcast because he was certain that the Kent County Correctional Facility does NOT allow a metal Flex-Cast because its METAL.

Because of Deputy VITALE RUDELY interrupting my appointment with my Doctor (GABLE MOFFETT) my arm was in a hard cast additional weeks 3 or 4 and now. I cant move my arm properly. And my Doctor said I am going to need another surgery because of ~~the~~ DEPUTYS VITALES BAD & INCORRECT MEDICAL ADVICE AND ASSUMPTION. I WAS IN CONTINUED PAIN AND DISCOMFORT. BECAUS OF THE HARD CAST. I went through ALL that to find out my next appointment 10/18/22 that deputy VITALE was completely wrong in assuming he was correct about my medical needs and what the Kent County Correctional Facility allows pertaining to what the Facility allows handicap inmates to have.

Had Deputy VITALE merely called up to the jail and spoke with a supervisor or better medical this issue, wouldn't be the case.

Well I don't know if even the supervisors in K.C.C.F knows their own rules because I wrote a grievance and was retaliated against by a Lt. Jeff Pavlovic he brought me my grievance and told me that im wrong and DEPUTY VITALE was right in making my

Lt.  
(Jeff Pavlovic)

medical decisions. Then I showed him that I had the Cast on he instantly started back-tracking and lying about what the facility does and doesn't allow. It made me upset, sad, ashamed and embarrassed that he would lie to my face like that I do have an eye witness who heard him, I feel very unprotected and unvalued that this would happen and because I complained about it I am being retaliated against By Lt. Jeff Pavlovic also possibly Shift Supervisor VERNACE. I can't believe they would disregard and make medical decisions for me without knowing what their own facility allows. I have been in pain and I can't believe that I have been losing movement of my arm because of this. In Conclusion this is my reasoning for complaining I did not want too but I can't believe this has happened as a result of this my arm is mortally wounded and needs additional surgery due to Sgt. ELLIOT shooting me while running retreating. Also Kent County Correctional Facility DEPUTY VITALE making very bad medical assumptions and Lt. Jeff Pavlovic retaliating against me for complaining. Because they both were wrong. Blessed Day

Date 10/23/2022

/s/ Robert M. GALLUP III  
R-M. Gallup III

NAME:

Robert Gallup III

KENT COUNTY CORRECTIONAL FACILITY

703 BALL AVENUE N.E.

GRAND RAPIDS, MI 49503



FOREVER / USA



FOREVER / USA



107 FEDERAL BLDG  
410 W. MICHIGAN  
KALAMAZOO, MI 49007

*Robert Gallup III*  
11/11